

CHAPTER NO. 915

HOUSE BILL NO. 3164

**By Representatives Sands, Buck, Scroggs, Jackson, Pleasant, Haley, Hargett,
Givens**

Substituted for: Senate Bill No. 2942

By Senators Haynes, Burks, Kurita, Davis

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, relative to criminal offenses and sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-204(c), is amended by adding the following at the end of the subsection:

In all cases where the State relies upon the aggravating factor that the defendant was previously convicted of one or more felonies, other than the present charge, whose statutory elements involve the use of violence to the person, either party shall be permitted to introduce evidence concerning the facts and circumstances of the prior conviction. Such evidence shall not be construed to pose a danger of creating unfair prejudice, confusing the issues, or misleading the jury and shall not be subject to exclusion on the ground that the probative value of such evidence is outweighed by prejudice to either party. Such evidence shall be used by the jury in determining the weight to be accorded the aggravating factor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 23, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of May 1998


DON SCHOUQUIST, GOVERNOR